

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE LICENSE OF : STATE BOARD OF EXAMINERS  
ELAINE NEWMAN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO. 322 - 12/95 - 100

At its meeting of December 14, 1995 the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Elaine Newman, who holds a county substitute license in New Jersey, was disqualified from public school employment pursuant to N.J.S.A. 18A:6-7.1 et seq. as a result of her conviction for simple possession of marijuana. Ms. Newman was fined \$279.25. Her appeal to the Commissioner of Education concerning her disqualification was denied. At the time of her offense, Ms. Newman was not a licensed teacher.

At that meeting, the State Board of Examiners voted to issue an Order to Show Cause based on her disqualification from public school employment. The Order to Show Cause was mailed to Ms. Newman by regular and certified mail on May 30, 1996. On June 14, 1996, Ms. Newman provided an Answer to the Order to Show Cause. She subsequently forwarded additional responses to the Order to Show Cause on April 25, 1997 and on May 28, 1997.

In the interim, the State Board of Education decided two cases which impacted on the hearing process conducted by the State Board of Examiners. The first case is captioned, In the Matter of the Certificates of Sheridan. The other is captioned, In the Matter of the Certificates of Vitola. Within these two cases, the State Board of Education determined that the State Board of Examiners was required to amend its regulations in order to permit it to hear directly legal matters in which material facts are not in dispute. During the pendency of the revisions to the

State Board of Examiner' regulations regarding its hearing process, all such hearings were held in abeyance. Said regulatory amendments were finally codified in May of 1997.

Pursuant to the revised N.J.A.C. 6:11-3.6(a)1, on June 25, 1997 , a hearing notice was mailed by regular and certified mail to Ms. Newman. Said notice explained that, it appearing that no materials facts were in dispute, Ms. Newman was provided an opportunity to offer legal argument on the issue of whether her disqualification from employment in the public schools constituted conduct unbecoming a certificate holder.

On July 15, 1997, a response to the hearing notice was received from Ms. Newman. Her response to the hearing notice raises the following points:

Ms. Newman contends she was never convicted, but instead forfeited bond. She enclosed with her response an Expungement Order dated June 23, 1997 from the presiding circuit court judge, of Ms. Newman's arrest which took place on August 26, 1993 in Richland County, South Carolina for simple possession of marijuana. As to whether such arrest constitutes conduct unbecoming a teacher, Ms. Newman explains it was the summer of 1993, she was a 22 year old college student, and she was a passenger in a car owned and driven by a former friend. She contends her arrest was merely because she was a passenger in a car containing marijuana for which she was considered, by law, culpable. Ms. Newman adds that she is knowledgeable, committed and positive, and if allowed to serve in the public schools of New Jersey, would perform her duties in a highly exemplary fashion.

The additional information Ms. Newman forwarded as part of her Answer to the Order to Show Cause includes an official FBI fingerprint identification record indicating that she was convicted on simple possession of marijuana charges following arrest on August 26, 1993, but

that she forfeited her bond in satisfaction of the offense. She included her resume and information on her current employment status.

In enacting N.J.S.A. 18A:6-7.1 et seq, the Legislature sought to protect public school pupils from contact with individuals deemed to be a danger to them. It therefore barred from employment individuals convicted of a drug offense, as was Ms. Newman. Accordingly, in light of this State's strong policy opposing the use of illegal drugs, Ms. Newmans' disqualification for that offense must be deemed conduct unbecoming a certificate holder.

It should be noted, however, that she is not foreclosed from reapplying for a teaching licensure should the Commissioner of Education in the future find that she is rehabilitated pursuant to N.J.S.A. 18A:6-7.1 and therefore eligible to serve in the public schools.

It is, therefore ORDERED that Elaine Newman's County Substitute license is hereby revoked on this 9<sup>th</sup> day of October, 1997.

It is further ORDERED that Elaine Newman return her license to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

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Secretary  
New Jersey State Board of Examiners

Date of Mailing: November 19, 1997

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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